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SUBJECT: BULGARIA: THE INS AND OUTS OF THE ASYLUM PROCESS

¶1. (SBU) SUMMARY: While the Bulgarian government has directed increasing attention to human trafficking and other human rights issues, the plight of asylum seekers remains a serious concern. Asylum and refugee lawyers say Bulgarian authorities are prioritizing the administrative convenience of state officials over the rights and lives of asylum seekers. Rights activists say the Bulgarians often postpone "official" recognition of asylum seeker status and wrongly use domestic legislation to treat asylum candidates as illegal immigrants facing potential deportation. In many cases, asylum seekers are forced to live in inadequate temporary accommodation centers for six months or longer. END SUMMARY.

¶2. (SBU) From January to June 2009, 336 people from 40 countries applied for refugee status in Bulgaria. The largest group included 135 from Iraq, 33 from Afghanistan, 16 from Armenia, 16 from Iran, 11 from Somalia, and 10 from Syria. Fifteen were granted refugee status (less than five percent of applicants), 135 were rejected, and 86 were granted humanitarian status. Representatives of local NGOs say that the low acceptance rate in Bulgaria is not linked to ethnic or religious discrimination, but is a result of administrative complications and lack of oversight.

LOSS OF LIBERTY IN "SAFE" COUNTRIES

¶3. (SBU) EU law states that refugees must apply for asylum in the first safe country they enter. Since many asylum seekers are from the Middle East or Africa, they enter Europe via Turkey, making Greece and Bulgaria the most common points of entry to the EU. When asylum seekers enter Bulgaria illegally the border police issue a deportation order and move them to a "Special Center for the Temporary Accommodation of Foreigners." The law stipulates that asylum seekers should be interviewed within three days, but often it takes months before such an interview is scheduled with the State Agency for Refugees. In the meantime, the state pursues active measures to enforce deportation orders, which can result in the returning of the asylum seeker to the country of persecution before a final decision on asylum has been reached. According to the Bulgarian Helsinki Committee (BHS), the Bulgarian practice of routinely contacting asylum seekers' countries of origin endangers lives and should be stopped.

BUSMANTSI: BULGARIA'S MAIN REFUGEE DETENTION CENTER

¶4. (SBU) The BHC's Iliana Savova says that Busmantsi, the most well-known detention center in Bulgaria, violates Article Five of the European Convention of Human Rights regarding the right to liberty and security. In a recent press interview she stated that the GOB detains refugees for an excessive period of time without making any effort to enforce a reasonable time frame for legal proceedings. The State Agency for Refugees does not publish statistics on how many detainees have been kept in the detention center for longer than six months. However, in 2008 a list created by the detainees themselves was released to Amnesty International which revealed that 46 detainees had been kept in the center in excess of six months, and one detainee had been held for four years.

¶5. (SBU) According to rights activists, the treatment of detainees and the living conditions in Busmantsi are unsatisfactory. In Busmantsi, anywhere from 15-20 detainees sleep in each room. The guards lock the rooms at night, requiring inmates to bang on the door to get the attention of a guard in order to use the bathroom. Valeria Ilareva of Sofia University's Legal Clinic for Refugees and

Asylum Seekers in Bulgaria told PolOff that detainees who act out in the center are put in isolated detention and her clients have informed her that the guards give detainees sedatives to keep them under control. These drugs are not prescribed by any doctor, and according to Ilareva some detainees claim sedatives are put in their food if they refuse to ingest the drugs voluntarily.

MISINFORMATION AND MISSED OPPORTUNITIES

¶6. (SBU) Detainees are often unaware of their right to legal representation due to administrative hurdles and a lack of translation services. Ilareva cited a case in which her client, an interpreter escaping persecution in Iraq, was handed a decision in Bulgarian and verbally told that he had been approved. However, the Bulgarian text clearly stated that his application had been rejected. As a result of this misinformation, he did not contact a lawyer and missed the three-day window to appeal the decision.

¶7. (SBU) The visitation policy at immigration detention centers is stricter than in Bulgarian prisons. Visiting hours at Busmantsi are limited to two hours, mid-afternoon, two times per week. For visits, reservations must be scheduled in cooperation with the detainee, administration, and the visitor. Visiting slots fill quickly, and as a result urgent visitation is rarely a possibility.

This means lawyers must initiate a meeting with a client and not the other way around, effectively cutting off access to those unaware of, or unable to otherwise contact, external counsel.

A TOUGH ROAD AHEAD

¶8. (SBU) Legal aid organizations are frustrated with what they say is the government's lack of commitment to aiding detained refugees. Ilareva told PolOff that the more her clinic works to raise public awareness of these issues, the more its privileges are taken away. In the past, law students at her clinic had open access to the records of detainees, but once they began to raise the profile of these issues, the center denied access. Ilareva also mentioned that when media representatives visit Busmantsi, they are only allowed to speak with the detainees who give glowing reports of the conditions

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of the center and do not reflect the true circumstances.

¶9. (SBU) COMMENT: Due to a lack of transparency and a weak tradition of investigative reporting, the Bulgarian public-and the rest of the world-remain largely unaware of the plight of asylum seekers. It is unlikely that the situation will improve without external prodding. END COMMENT.

ORDWAY